

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHANETTA PETERSON

Plaintiff,

§

§

§

v.

CIVIL ACTION NO.

§

§

§

**MARCUS CAMPBELL; AND
INTERMODAL CARTAGE CO., LLC**

Defendants.

§

§

INDEX OF STATE COURT FILE

The following is an index identifying each state court document and the date in which each document was filed in the 162nd Judicial District Court, Dallas County, Texas.

EXHIBIT	DATE	DOCUMENT
2		State Court File
2a	04/01/2021	Docket Sheet
2b	03/22/2021	Plaintiff's Original Petition
2c	03/22/2021	Plaintiff's Jury Demand
2d	03/22/2021	Unserved Citation to Intermodal Cartage Co., LLC
2e	03/22/2021	Unserved Citation to Marcus Campbell

2103786 v.1
9000/00001

EXHIBIT 2a

Case Information

DC-21-03661 | SHANETTA PETERSON vs. MARCUS CAMPBELL, et al

Case Number	Court	Judicial Officer
DC-21-03661	162nd District Court	MOORE, MARICELA
File Date	Case Type	Case Status
03/22/2021	MOTOR VEHICLE ACCIDENT	OPEN

Party

PLAINTIFF

PETERSON, SHANETTA

Active Attorneys ▾

Lead Attorney
LOAR, JOHN R
Retained

Address
10440 N. CENTRAL EXPRESSWAY
SUITE 400
DALLAS TX 75231

DEFENDANT

CAMPBELL, MARCUS

Address
794 CATALINA DRIVE
LANCASTER TX 75146

DEFENDANT

INTERMODAL CARTAGE CO., LLC

Address
SERVING ITS REGISTERED AGENT, REGISTERED AGENT
SOLITIONS
1701 DIRECTORS BLVD., # 300
AUSTIN TX 78744

Events and Hearings

03/22/2021 NEW CASE FILED (OCA) - CIVIL

03/22/2021 ORIGINAL PETITION ▾

ORIGINAL PETITION

03/22/2021 JURY DEMAND ▾

JURY DEMAND

03/22/2021 ISSUE CITATION ▾

ISSUE CITATION - INTERMODAL CARTAGE CO., LC

ISSUE CITATION - MARCUS CAMPBELL

03/29/2021 CITATION ▾

Unserved

Anticipated Server

ESERVE

Anticipated Method

Comment

INTERMODAL CARTAGE CO., LC

03/29/2021 CITATION ▾

Unserved

Anticipated Server

ESERVE

Anticipated Method

Comment

MARCUS CAMPBELL

Documents

ORIGINAL PETITION

JURY DEMAND

ISSUE CITATION - INTERMODAL CARTAGE CO., LC

ISSUE CITATION - MARCUS CAMPBELL

EXHIBIT 2b

CAUSE NO. DC-21-03661

SHANETTA PETERSON;

Plaintiff,

VS.

**MARCUS CAMPBELL; AND
INTERMODAL CARTAGE CO., LLC;**

Defendants.

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

162nd JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Shanetta Peterson files Plaintiff's Original Petition complaining of Defendants Marcus Campbell and Intermodal Cartage Co., Inc.

I. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 3 pursuant to Rule 190
of the TEXAS RULES OF CIVIL PROCEDURE.

II. RULE 47 PLEADING REQUIREMENTS

As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief of over \$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate.

III. PARTIES

Plaintiff Shanetta Peterson is an individual resident of Dallas, Dallas County, Texas. Her driver's license number is *****363 and her social security number is ***-**-*087.

Defendant Marcus Campbell is an individual resident of Lancaster, Dallas County, Texas and may be served with process at 794 Catalina Drive, Lancaster, Texas 75146.

Defendant Intermodal Cartage Co., LLC is a corporation doing business in Austin, Travis County, Texas and may be served with process by serving its registered agent, Registered Agent Solutions, Inc. at 1701 Directors Blvd., # 300, Austin, Texas 78744.

IV. JURISDICTION AND VENUE

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

This Court has venue over the parties to this action since the incident complained of herein occurred in Dallas County, Texas. Venue therefore is proper in Dallas County, Texas pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002.

V. FACTS

This lawsuit arises out of a motor vehicle collision that occurred on or about Monday, June 15, 2020 on the southbound service road of I-45 near Fulgam Road within the city limits of Wilmer, Dallas County, Texas. Plaintiff Shanetta Peterson was operating her vehicle south on the service road of I-45

near Fulgam Road and was stopped for traffic ahead. Defendant Marcus Campbell was operating his 18-wheeler behind Plaintiff's vehicle in the same lane and headed in the same direction. Defendant Marcus Campbell failed to slow and/or stop, colliding hard with the back of Plaintiff's vehicle. As a result of the collision, Plaintiff was injured and continues to suffer injuries and damages from this incident.

VI. CAUSES OF ACTION

A. NEGLIGENCE – DEFENDANT MARCUS CAMPBELL

At the time of the motor vehicle collision, Defendant Marcus Campbell was operating his 18-wheeler negligently. Specifically, Defendant had a duty to exercise ordinary care and operate his 18-wheeler reasonably and prudently. Defendant breached that duty in one or more of the following respects:

1. Defendant failed to keep such proper lookout and attention to the roadway as a person of ordinary prudence would have kept under the same or similar circumstances;
2. Defendant failed to keep an assured safe distance from Plaintiff's vehicle;
3. Defendant failed to timely apply the brakes of his 18-wheeler in order to avoid the collision in question;
4. Defendant failed to control his speed; and
5. Defendant failed to safely operate his tractor-trailer.

B. NEGLIGENT ENTRUSTMENT – DEFENDANT INTERMODAL CARTAGE CO., LLC

As an additional cause of action, Plaintiff would show that at the time and on the occasion in question, Defendant Intermodal Cartage Co., LLC was the

owner of the vehicle driven by Defendant Marcus Campbell. Defendant Intermodal Cartage Co., LLC entrusted the vehicle to Defendant Marcus Campbell. Defendant Marcus Campbell was unlicensed, incompetent, and/or reckless and Defendant Intermodal Cartage Co., LLC knew or should have known that Defendant Marcus Campbell was unlicensed, incompetent, and/or reckless. Defendant Marcus Campbell's negligence on the occasion in question proximately caused the collision.

C. RESPONDEAT SUPERIOR – DEFENDANT INTERMODAL CARTAGE CO., LLC

Additionally, Plaintiff would show that at the time and on the occasion complained of, Defendant Marcus Campbell was in the course and scope of his employment with Defendant Intermodal Cartage Co., LLC thereby making Defendant Intermodal Cartage Co., LLC liable under the doctrine of *Respondeat Superior*.

D. NEGLIGENCE – DEFENDANT INTERMODAL CARTAGE CO., LLC

Defendant Intermodal Cartage Co., LLC failed to properly train and/or supervise Defendant Marcus Campbell in order to prevent collisions such as the one in question.

E. GROSS NEGLIGENCE – DEFENDANT INTERMODAL CARTAGE CO., LLC

In addition to actual damages, Plaintiff seeks to recover exemplary or punitive damages from Defendant Intermodal Cartage Co., LLC because Defendant's conduct was of such character as to constitute gross negligence. Defendant Intermodal Cartage Co., LLC's actions in connection with the collision

involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and to other users of the public roadways.

Defendant Intermodal Cartage Co., LLC had actual, subjective knowledge of the risk involved, but nevertheless acted in conscious indifference to the rights, safety, and welfare of others, including the Plaintiffs, when Defendant Intermodal Cartage Co., LLC chose to allow Defendant Marcus Campbell to operate a vehicle under Defendant Intermodal Cartage Co., LLC's motor carrier authority on public roadways at the time of the collision.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff.

VII. DAMAGES

As a proximate result of Defendants' negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff suffered the following damages:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Disfigurement;
- d. Physical impairment in the past and future;
- e. Physical pain and suffering in the past and future; and
- f. Mental anguish in the past and future.

VIII. INTENT TO USE DEFENDANTS' DOCUMENTS

Plaintiff hereby gives notice of intent to utilize items produced in discovery against the party producing same. The authenticity of such items is self-proven per TRCP 193.7.

IX. JURY TRIAL

Plaintiff demands a trial by jury and includes the appropriate jury fees.

X. U.S. LIFE TABLES

Notice is hereby given to the Defendants that Plaintiff intends to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

XI. RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff recover judgment against Defendants for:

1. Plaintiff's past medical expenses, which are reasonable and customary for the medical care received by Plaintiff;
2. Plaintiff's future medical expenses;
3. Plaintiff's lost wages in the past and loss of earning capacity in the future;
4. Plaintiff's disfigurement;
5. Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;
6. Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;
7. Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;

8. Interest on the judgment at the legal rate from the date of judgment;
9. Pre-judgment interest on Plaintiff's damages as allowed by law;
10. All costs of court; and
11. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

WITHERITE LAW GROUP, PLLC

BY: /s/ Rob Loar
ROB LOAR
State Bar No. 24081007
rob.loar@witheritelaw.com
SHELLY GRECO
State Bar No. 24008168
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10440 N. Central Expressway
Suite 400
Dallas, TX 75231-2228
214/378-6665
214/378-6670 (fax)

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Erica Lisenbe on behalf of Rob Loar
Bar No. 24081007
Erica.Lisenbe@witheritelaw.com
Envelope ID: 51709650
Status as of 3/24/2021 11:24 AM CST

Associated Case Party: SHANETTA PETERSON

Name	BarNumber	Email	TimestampSubmitted	Status
Rob Loar		Rob.Loar@witheritelaw.com	3/22/2021 5:38:21 PM	SENT

EXHIBIT 2c



FELICIA PITRE
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE
CHIEF DEPUTY

CAUSE NO. DC-21-03661

SHANETTA PETERSON

VS.

MARCUS CAMPBELL, et al

162nd District Court

ENTER DEMAND FOR JURY

JURY FEE PAID BY: SHANETTA PETERSON

FEE PAID: \$40.00

EXHIBIT 2d

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: INTERMODAL CARTAGE CO., LLC
BY SERVING ITS REGISTERED AGENT SOLUTIONS, INC.
1701 DIRECTORS BLVD., #300
AUSTIN, TX 78744

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **162nd District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **SHANETTA PETERSON**

Filed in said Court **22nd day of March, 2021** against

MARCUS CAMPBELL AND INTERMODAL CARTAGE CO., LLC

For Suit, said suit being numbered **DC-21-03661**, the nature of which demand is as follows:

Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office this 29th day of March, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Carlenia Bouligny*, Deputy

CARLENIA BOULIGNY



ESERVE

CITATION

DC-21-03661

SHANETTA PETERSON
Vs.
MARCUS CAMPBELL, et al

ISSUED THIS
29th day of March, 2021

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: CARLENIA BOULIGNY, Deputy

Attorney for Plaintiff
JOHN R LOAR
WITHERITE LAW GROUP PLLC
10440 N CENTRAL EXPY
STE 400
DALLAS TX 75231
214-378-6665
rob.loar@witheritelaw.com

DALLAS COUNTY
SERVICE FEES
NOT PAID

OFFICER'S RETURN

Case No. : DC-21-03661

Court No.162nd District Court

Style: SHANETTA PETERSON

Vs.

MARCUS CAMPBELL, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____.M. Executed at
_____, within the County of _____ at _____ o'clock _____.M. on the
_____ day of _____, 20_____, by delivering to the within named

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ by _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

To certify which witness my hand and seal of office.

Notary Public _____ County _____

EXHIBIT 2e

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: MARCUS CAMPBELL
794 CATALINA DRIVE
LANCASTER TX 75146**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **162nd District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **SHANETTA PETERSON**

Filed in said Court **22nd day of March, 2021** against

MARCUS CAMPBELL AND INTERMODAL CARTAGE CO., LLC

For Suit, said suit being numbered **DC-21-03661**, the nature of which demand is as follows:
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

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Given under my hand and the Seal of said Court at office this 29th day of March, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By _____, Deputy
CARLENIA BOULIGNY

ESERVE

CITATION

DC-21-03661

**SHANETTA PETERSON
Vs.
MARCUS CAMPBELL, et al**

**ISSUED THIS
29th day of March, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: CARLENIA BOULIGNY, Deputy

**Attorney for Plaintiff
JOHN R LOAR
WITHERITE LAW GROUP PLLC
10440 N CENTRAL EXPY
STE 400
DALLAS TX 75231
214-378-6665
rob.loar@witheritelaw.com**

OFFICER'S RETURN

Case No. : DC-21-03661

Court No.162nd District Court

Style: SHANETTA PETERSON

Vs.

MARCUS CAMPBELL, et al

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_____, within the County of _____ at _____ o'clock _____.M. on the
_____ day of _____, 20_____, by delivering to the within named

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For mileage \$ _____ of _____ County, _____

For Notary \$ _____ by _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

To certify which witness my hand and seal of office.

Notary Public _____ County _____